

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE COMMISSIONER OF THE NEW YORK
CITY DEPARTMENT OF SOCIAL SERVICES,

Plaintiff,

v.

BUCKEYE COACH LLC; CARDUAN TOURS
LLC; CLASSIC ELEGANCE COACHES LLC;
COASTAL CREW CHANGE COMPANY LLC;
EJECUTIVO ENTERPRISES INC.; EL PASO
UNITED CHARTERS LLC; GARCIA AND
GARCIA ENTERPRISES INC. (D.B.A.
FRANCISCO TOURS); JY CHARTER BUS INC.;
LILY'S BUS LINES INC.; MAYO TOURS, INC.;
NORTENO EXPRESS LLC; ROADRUNNER
CHARTERS INC.; SOUTHWEST CREW
CHANGE COMPANY LLC; TRANSPORTES
REGIOMONTANOS INC. (D.B.A. AUTOBUSES
REGIOMONTANOS); VLP CHARTER LLC;
WINDSTAR LINES INC.; and WYNNE
TRANSPORTATION LLC.,

Defendants.

Index No. _____
Summons Filed _____

SUMMONS

To the above named Defendants:

You are hereby summoned to serve upon Plaintiffs' attorneys an answer to the complaint in this action within 20 days after the service of this summons, exclusive of the day of service, or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Plaintiffs designate New York County as the place of trial. The venue is designated on the basis of N.Y. C.P.L.R. § 503(a) because a substantial part of the events giving rise to the claim under Section 149 of New York Social Services Law occurred in New York City.

Dated: January 4, 2024
New York, New York

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Steven Banks

Brad S. Karp
Steven Banks
Michele Hirshman
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3000
sbanks@paulweiss.com
mhirschman@paulweiss.com

SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New
York

By:



Muriel Goode-Trufant
First Assistant Corporation Counsel
OFFICE OF THE CORPORATION COUNSEL OF
THE CITY OF NEW YORK
100 Church Street, 6-101
New York, NY 10007
(212) 356-2100
mgoode@law.nyc.gov

*Attorneys for Plaintiff Commissioner of
the New York City Department of Social
Services*

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

THE COMMISSIONER OF THE NEW YORK
CITY DEPARTMENT OF SOCIAL SERVICES,

Plaintiff,

v.

BUCKEYE COACH LLC; CARDUAN TOURS
LLC; CLASSIC ELEGANCE COACHES LLC;
COASTAL CREW CHANGE COMPANY LLC;
EJECUTIVO ENTERPRISES INC.; EL PASO
UNITED CHARTERS LLC; GARCIA AND
GARCIA ENTERPRISES INC. (D.B.A.
FRANCISCO TOURS); JY CHARTER BUS INC.;
LILY’S BUS LINES INC.; MAYO TOURS, INC.;
NORTENO EXPRESS LLC; ROADRUNNER
CHARTERS INC.; SOUTHWEST CREW
CHANGE COMPANY LLC; TRANSPORTES
REGIOMONTANOS INC. (D.B.A. AUTOBUSES
REGIOMONTANOS); VLP CHARTER LLC;
WINDSTAR LINES INC.; and WYNNE
TRANSPORTATION LLC.,

Defendants.

Index No. _____

VERIFIED COMPLAINT

Plaintiff, by and through her undersigned counsel, the Corporation Counsel of the City of New York and Paul, Weiss, Rifkind, Wharton & Garrison LLP, brings this Complaint against Buckeye Coach LLC; Carduan Tours LLC; Classic Elegance Coaches LLC; Coastal Crew Change Company LLC; Ejecutivo Enterprises Inc.; El Paso United Charters LLC; Garcia and Garcia Enterprises Inc. (d.b.a. Francisco Tours); JY Charter Bus Inc.; Lily’s Bus Lines Inc.; Mayo Tours, Inc.; Norteno Express LLC; Roadrunner Charters Inc.; Southwest Crew Change Company LLC; Transportes Regiomontanos Inc. (d.b.a. Autobuses Regiomontanos); VLP Charter LLC; Windstar Lines Inc.; and Wynne Transportation LLC (collectively, “the

Defendants”), and in support thereof alleges the following upon her own knowledge or otherwise on information and belief:

STATEMENT OF THE CASE

1. In or about April 2022, Texas Governor Greg Abbott announced a plan whereby “Texas [would bus] migrants to sanctuary cities to relieve [its] overwhelmed border towns” and promised that Texas would continue these transports until there is a change in immigration policy at the Southern Border.¹

2. As part of that plan, the Texas Governor directed the Texas Division of Emergency Management to arrange for the Defendants to provide transportation out of Texas for individuals who “have been processed and released by the federal government into Texas communities.”²

3. The Defendants’ implementation of the Texas Governor’s plan is not part of a human-centered initiative to help individuals vindicate a constitutional right to travel within the United States. *Shapiro v. Thompson*, 394 U.S. 618, 631 (1969), *overruled on other grounds by Edelman v. Jordan*, 415 U.S. 651 (1974). Nor is their implementation of the Texas Governor’s plan protected by *Edwards v. State of California*, 314 U.S. 160 (1941), which struck down a California statute criminalizing the transport into the state in a private car of the driver’s brother-in-law who might have needed public benefits. Stripped to its essentials, the Texas Governor’s publicly-articulated plan – which the Defendants have knowingly implemented – is to shift to

¹ Gov. Greg Abbott (@GovAbbott), TWITTER (Dec. 19, 2023, 11:45 AM), https://twitter.com/GregAbbott_TX/status/1737152058950648031.

² Letter from Greg Abbott, Governor of Texas, to W. Nim Kidd, Chief of the Texas Division of Emergency Management (Apr. 6, 2022), <https://gov.texas.gov/uploads/files/press/O-KiddW.Nim202204062216.pdf>; Press Release, Office of the Texas Governor, Governor Abbott Deploys More Buses To Border Amid Migrant Surge (Sept. 22, 2023), <https://gov.texas.gov/news/post/governor-abbott-deploys-more-buses-to-border-amid-migrant-surge>.

New York City and other urban areas the traditional cost of migration at the Southern Border so that they “wak[e] up to the reality that open border policies are failed policies.”³

4. As of November 27, 2023, the Defendants have earned millions of dollars in revenues from Texas for implementing the Texas Governor’s plan. To earn this revenue, the Defendants have transported, or caused to be transported, individuals from Texas to New York City and other urban areas, including Chicago, the District of Columbia, Philadelphia, and Denver.⁴

5. On December 29, 2023, the Texas Governor announced the results to date of the Defendants’ implementation of his plan – so far busing tens of thousands of individuals to what he calls “sanctuary cities,” including “over 33,600 migrants to New York City.” The Defendants have also bused over 28,000 such individuals to Chicago, 12,500 to the District of Columbia, 13,800 to Denver, 3,400 to Philadelphia, and 1,300 to Los Angeles.⁵

6. New York has a law to address just this kind of conduct. Section 149 of the New York Social Services Law requires that “[a]ny person who knowingly brings, or causes to be brought a needy person from out of state into this state for the purpose of making him a public charge . . . shall be obligated to convey such person out of state or support him at his own expense.”

³ Gov. Greg Abbott (@GovAbbott), TWITTER (Dec. 19, 2023, 11:45 AM), https://twitter.com/GregAbbott_TX/status/1737152058950648031; Press Release, Governor Abbott Deploys More Buses To Border Amid Migrant Surge, *supra* note 2.

⁴ See Press Release, Office of the Texas Governor, Operation Lone Star (Dec. 8, 2023), <https://gov.texas.gov/operationlonestar> (Texas engages in “historic border security efforts” including “busing migrants to self-declared sanctuary cities.”); Press Release, Office of the Texas Governor, Operation Lone Star Deploys Historic Strategies To Counter Biden’s Open Border Policies (Dec. 21, 2023), <https://gov.texas.gov/news/post/operation-lone-star-deploys-historic-strategies-to-counter-bidens-open-border-policies> (listing destinations of Texas’s busing efforts).

⁵ See Press Release, Office of the Texas Governor, Operation Lone Star Bolsters Historic Border Security Mission In 2023 (Dec. 29, 2023), <https://gov.texas.gov/news/post/operation-lone-star-bolsters-historic-border-security-mission-in-2023>; Gov. Greg Abbott (@GovAbbott), TWITTER (Dec. 5, 2023, 6:20 PM), available at <https://twitter.com/GovAbbott/status/1732178033870872782> (listing “sanctuary cities”).

7. Section 149 expressly authorizes a Social Services Commissioner to bring an action to enforce this obligation. In this lawsuit, the New York City Social Services Commissioner seeks payment from the Defendants for the cost of the care for the individuals who they have transported, or caused to be transported, to New York City in order to implement the Texas Governor’s plan.

8. As construed in the 19th century caselaw regarding a similar predecessor statute, New York has narrowly targeted the class of persons from whom the costs of such care can be recovered. That class is limited to situations where there is the “bad faith” transport of people into New York with the “evil intention” of shifting the costs of the care to New York. *Thomas v. Ross & Shaw*, 1832 WL 2855, *2-3 (N.Y. Sup. Ct. 1832). This limitation protects individual “carriers of passengers” who “are within the letter, but *not* within the spirit of the act.” *Id.* at *2 (emphasis added). The transportation of thousands of individuals from Texas to New York for “the purpose of making [them] a public charge” in contravention of Section 149 certainly meets the standard that New York courts have used to define “bad faith” in this context – the intent to “discharge or exonerate” one jurisdiction “and thereby charge” another jurisdiction with the burden of care. *Id.* at *3.

9. As testament to the “bad faith” and “evil intent” of the Defendants, they are receiving more for their services than it would cost to buy a one-way ticket from Texas to New York City on a regularly-scheduled bus. According to public reporting based on data obtained under the Texas Public Information Act, the Defendants receive roughly \$1,650 per person on chartered buses compared to \$291 for a single one-way ticket.⁶

⁶ Asher Price, *What Texas spends on busing migrants*, AXIOS AUSTIN (Nov. 27, 2023), <https://www.axios.com/local/austin/2023/11/27/texas-gop-democrats-busing-migrants-costs>.

10. In implementing this “bad faith” plan, there can be no doubt that the Defendants are liable under Section 149 for the costs of care for the at least tens of thousands of individuals they have already transported from Texas to New York City and any additional individuals they transport in the future. The cost of providing care for the at least 33,600 people who the Defendants have already transported, or caused to be transported, to New York City is no less than approximately \$708,000,000.

11. As further evidence of their “bad faith,” certain of the Defendants are now evading, or assisting others in evading, the requirements of recently issued New York City Emergency Executive Order 538 (the “Executive Order”). The Executive Order establishes a notice, time and place requirement for any operator of a charter bus “who knows or reasonably should know that such charter bus will be transporting ten or more passengers who are likely to seek emergency shelter and other immediate services in New York City.” Executive Order § 2. Under the notice requirement, operators must alert the City of their anticipated date and time of arrival and provide information regarding, for example, the number of passengers, whether single adults or members of family are on board, the bus drivers’ name, and a description of the charter bus. Further, unless the City has approved an alternate drop off time and location in advance, the Executive Order requires drop offs to be between 8:30 a.m. to 12:00 p.m., Monday through Friday, at loading zones on 41st Street between 8th and 9th Avenues in Manhattan.

12. Within days of the issuance of the Executive Order, rather than comply, certain of the Defendants have begun to discharge individuals in need of care outside of New York City and, on information and belief, given them one-way public transportation fare to travel into New York City in order to seek shelter.

13. Plaintiff seeks an order preliminarily and permanently enjoining the Defendants to pay the New York City Social Services Commissioner for the costs of care for the at least 33,600 individuals they have already transported to New York City as part of the Texas Governor's plan and to pay for the cost of care for any additional individuals transported in the future from Texas to New York City as part of the Texas Governor's plan.

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action because it is brought pursuant to Section 149 of New York Social Services Law.

15. This Court has jurisdiction over the Defendants pursuant to N.Y. C.P.L.R. § 302 because they have purposefully availed themselves of the laws and protection of the State of New York when they transported, or caused to be transported, individuals from Texas to New York City to implement the Texas Governor's plan.

16. This Court, as a court of general jurisdiction, has jurisdiction over and is competent to adjudicate the causes of action set forth herein.

17. Venue is proper in this county pursuant to N.Y. C.P.L.R. § 503(a) because a substantial part of the events giving rise to the claim under Section 149 of New York Social Services Law occurred in New York City.

PARTIES

18. Plaintiff Commissioner of the New York City Department of Social Services is the New York City official authorized by Section 149 of the New York Social Services Law to enforce the statute and seek payment for the care of the individuals brought to New York City to implement the Texas Governor's plan.

19. Buckeye Coach LLC; Carduan Tours LLC; Classic Elegance Coaches LLC; Coastal Crew Change Company LLC; Ejecutivo Enterprises Inc.; El Paso United Charters LLC;

Garcia and Garcia Enterprises Inc. (d.b.a. Francisco Tours); JY Charter Bus Inc.; Lily's Bus Lines Inc.; Mayo Tours, Inc.; Norteno Express LLC; Roadrunner Charters Inc.; Southwest Crew Change Company LLC; Transportes Regiomontanos Inc. (d.b.a. Autobuses Regiomontanos); VLP Charter LLC; Windstar Lines Inc.; and Wynne Transportation LLC are companies that, on information and belief, have transported, or caused to be transported, individuals from Texas to New York City pursuant to the Texas Governor's plan. The Defendants are companies that, on information and belief, do not provide transportation on regular routes from Texas to New York.

20. Buckeye Coach LLC is, on information and belief, a charter transportation company with a principal place of business at 320 London Road, Suite 102, Delaware, OH 43015.⁷

21. Carduan Tours LLC is, on information and belief, a charter transportation company with a principal place of business at 1901 Galveston Street, Laredo, TX 75043.⁸

22. Classic Elegance Coaches LLC is, on information and belief, a charter transportation company with a principal place of business at 321 Interlachen Court, El Paso, TX 79928.⁹

⁷ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Buckeye Coach LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=976341&original_query_string=BUCKEYE%20COACH%20LLC.

⁸ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Carduan Tours LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=2438602&original_query_string=CARDUAN%20TOUR%20LLC.

⁹ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Classic Elegance Coaches LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=2516053&original_query_string=CLASSIC%20ELEGANCE%20COACHES%20LLC.

23. Coastal Crew Change Company LLC is, on information and belief, a charter transportation company with a principal place of business at 5117 Highway 90 E, Lake Charles, LA 70615.¹⁰

24. Ejecutivo Enterprises Inc. is, on information and belief, a charter transportation company with a principal place of business at 8007 Hickok Lane, Houston, TX 77075.¹¹

25. El Paso United Charters, LLC is, on information and belief, a charter transportation company with a principal place of business at 2660 Tierra Murcia Street, El Paso, TX 79938.¹²

26. Garcia and Garcia Enterprises Inc. (d.b.a. Francisco Tours) is, on information and belief, a charter transportation company with a principal place of business at 7105 Moline Street, Houston, TX 77087.¹³

27. JY Charter Bus Inc. is, on information and belief, a charter transportation company with a principal place of business at 6115 Nunn Street, Houston, TX 77087.¹⁴

¹⁰ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Coastal Crew Change Company LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3317739&original_query_string=COASTAL%20CREW%20CHANGE%20COMPANY%20LLC.

¹¹ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Ejecutivo Enterprises Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3835404&original_query_string=EJECUTIVO%20ENTEPRISES%20INC.

¹² U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, El Paso United Charters, LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=2828285&original_query_string=EL%20PASO%20UNITED%20CHARTERS%20LLC.

¹³ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Francisco Tours, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=1412138&original_query_string=FRANCISCO%20TOURS.

¹⁴ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, JY Charter Bus Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=1412138&original_query_string=FRANCISCO%20TOURS.

28. Lily's Bus Lines Inc. is, on information and belief, a charter transportation company with a principal place of business at 1631 Isom Street, Houston, TX 77039.¹⁵

29. Mayo Tours, Inc. is, on information and belief, a charter transportation company with a principal place of business at 516 Martin Street, West Monroe, LA 71292.¹⁶

30. Norteno Express LLC is, on information and belief, a charter transportation company with a principal place of business at 602 W Calton Road, Suite 4B, Laredo, TX 78041.¹⁷

31. Roadrunner Charters Inc. is, on information and belief, a charter transportation company with a principal place of business at 8972 Trinity Boulevard, Hurst, TX 76053.¹⁸

32. Southwest Crew Change Company LLC is, on information and belief, a charter transportation company with a principal place of business at 7247 Kirk Drive, Orange, TX 77630.¹⁹

[DOT&original_query_param=NAME&query_string=2303695&original_query_string=JY%20CHARTER%20BUS%20INC](https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=2303695&original_query_string=JY%20CHARTER%20BUS%20INC).

¹⁵ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Lily's Bus Lines Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3421807&original_query_string=LILY%27S%20BUS%20LINES%20INC.

¹⁶ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Mayo Tours, Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=259954&original_query_string=MAYO%20TOURS%20INC.

¹⁷ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Norteno Express LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=2929080&original_query_string=NORTENO%20EXPRESS%20LLC.

¹⁸ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Roadrunner Charters Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=1238490&original_query_string=ROADRUNNER%20CHARTERS%20INC.

¹⁹ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Southwest Crew Change Company LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=77630&original_query_string=SW%20CREW%20CHANGE%20CO%20LLC.

33. Transportes Regiomontanos Inc. (d.b.a. Autobuses Regiomontanos) is, on information and belief, a charter transportation company with a principal place of business at 1902 San Bernardo Avenue, Laredo, TX 78040.²⁰

34. VLP Charter LLC is, on information and belief, a charter transportation company with a principal place of business at 17017 Mary Esther Road, Von Ormy, TX 78073.²¹

35. Windstar Lines Inc. is, on information and belief, a charter transportation company with a principal place of business at 1903 N US Highway 71, Carroll, IA 51401.²²

36. Wynne Transportation LLC is, on information and belief, a general contractor for charter transportation companies with a principal place of business at 14110 N Dallas Parkway, Suite 240, Dallas, TX 75254.²³

The Cost of Caring for Individuals Who the Defendants Transported, or Caused to be Transported, from Texas to New York City to Implement the Texas Governor's Plan

37. From April 2022 through December 29, 2023, the Defendants have transported, or caused to be transported, the at least approximately 33,600 individuals from Texas to New York

[DOT&original_query_param=NAME&query_string=3818027&original_query_string=SOUTHWEST%20CREW%20CHANGE%20COMPANY%20LLC](https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3818027&original_query_string=SOUTHWEST%20CREW%20CHANGE%20COMPANY%20LLC).

²⁰ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Transportes Regiomontanos Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3818027&original_query_string=SOUTHWEST%20CREW%20CHANGE%20COMPANY%20LLC.

²¹ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, VLP Charter LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3818027&original_query_string=SOUTHWEST%20CREW%20CHANGE%20COMPANY%20LLC.

²² U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Windstar Lines Inc., available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=608224&original_query_string=WINDSTAR%20LINES%20INC.

²³ U.S. Dep't of Transportation Federal Motor Carrier Safety Administration Safety and Fitness Electronic Records (SAFER) System, Wynne Transportation LLC, available at https://safer.fmcsa.dot.gov/query.asp?searchtype=ANY&query_type=queryCarrierSnapshot&query_param=USDOT&original_query_param=NAME&query_string=3232499&original_query_string=WYNNE%20TRANSPORTATION%20LLC.

City, and more are coming at a rapid pace.²⁴ Defendants knew they were transporting individuals who were likely to, and in fact did, seek shelter and emergency services from the City of New York.

38. Through December 29, 2023, the cost of providing shelter to the individuals and families the Defendants transported, or caused to be transported, from Texas to New York City to implement the Texas Governor’s plan is no less than \$708,000,000.

39. These costs are not regular costs of care for which New York City has budgeted, and these increased costs are having an impact on City services.

CAUSE OF ACTION

Violation of New York Social Services Law Section 149

40. Plaintiff repeats and realleges the preceding paragraphs as though fully set forth herein.

41. The Defendants have violated Section 149 of the New York Social Services Law.

42. The key element of the statute – that the transport of individuals to New York be “for the purpose of making [them] a public charge” – is easily met. N.Y. Soc. Serv. Law § 149.

43. The Defendants have implemented the Texas Governor’s publicly announced plan to shift costs from Texas to New York by transporting, or causing to be transported, tens of thousands of individuals in need of care from Texas to New York City. In fact, the Defendants have already transported, or caused to be transported, at least approximately 33,600 individuals in need of care from Texas to New York City and the transports are ongoing.

²⁴ Press Release, Operation Lone Star Bolsters Historic Border Security Mission In 2023, *supra* note 5.

44. Given the Texas Governor's repeated public pronouncements about his plan, there can be no doubt that the Defendants have "knowingly" caused individuals in need of care to be brought from Texas to New York, which is the Texas Governor's stated goal.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests:

1. An Order, pursuant to Section 149 of the New York Social Services Law, enjoining the Defendants to pay the Plaintiff New York City Social Services Commissioner for the cost of caring for individuals who have been transported from Texas to New York City as part of the Texas Governor's plan.

2. An Order, pursuant to Section 149 of the New York Social Services Law, enjoining the Defendants to pay the Plaintiff New York City Social Services Commissioner for the cost of caring for individuals who are transported in the future from Texas to New York City as part of the Texas Governor's plan; and

3. An order awarding the Plaintiff such other and further relief as is just, proper, and equitable, including but not limited to reasonable attorneys' fees and costs.

Dated: January 4, 2024
New York, New York

PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP

By: /s/ Steven Banks

Brad S. Karp
Steven Banks
Michele Hirshman
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 373-3561
sbanks@paulweiss.com
mhirschman@paulweiss.com

SYLVIA O. HINDS-RADIX
Corporation Counsel of the City of New
York

By: 

Muriel Goode-Trufant
First Assistant Corporation Counsel
OFFICE OF THE CORPORATION COUNSEL OF
THE CITY OF NEW YORK
100 Church Street, 6-101
New York, NY 10007
(212) 356-2100
mgoodeutr@law.nyc.gov

*Attorneys for Plaintiff Commissioner of
the New York City Department of Social
Services*

VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK)

MOLLY PARK hereby affirms this 4th day of January, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law:

I am the Commissioner of the New York City Department of Social Services, and I hereby affirm, under penalty of perjury, that I am the Plaintiff in the above-entitled action, that I have read the foregoing Complaint, and know the contents thereof; and that the same is true to my knowledge, except for those portions alleging matters of law, and that as to those matters, I believe them to be true.



Molly Park